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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
05 AT SEATTLE

06 UNITED STATES OF AMERICA,) CASE NO. CR04-178-MJP
07)
08 Plaintiff,)
09)
10 v.) SUMMARY REPORT OF U.S.
11)
12 PHILIP JAMES POWLUS,) MAGISTRATE JUDGE AS TO
13) ALLEGED VIOLATIONS
14 Defendant.) OF SUPERVISED RELEASE
15)
16)

17 An evidentiary hearing on supervised release revocation in this case was scheduled before
18 me on June 9, 2008. The United States was represented by AUSA Michael J. Lang and the
19 defendant by Ralph Hurvitz. The proceedings were digitally recorded.

20 Defendant had been sentenced on or about June 6, 2005 by the Honorable Marsha J.
21 Pechman on a charge of Conspiracy to Distribute Over 500 Grams of Cocaine, and sentenced to
22 60 months custody, 5 years supervised release. (Dkt. 139.)

23 The conditions of supervised release included the standard conditions plus the requirements
24 that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,
25 participate in a substance abuse program, abstain from alcohol, submit to search, provide access
26 to financial information, maintain a single checking account for all financial transactions, provide
27 information about any business interests, and disclose all assets and liabilities.

28 In an application dated May 7, 2008 (Dkt. 148), U.S. Probation Officer Jennifer J. Tien

alleged the following violations of the conditions of supervised release:

1. Failing to report for urinalysis testing on February 19, 2008; March 28, 2008; and April 8, 2008 in violation of the special condition of drug aftercare.

2. Using cocaine on or before April 10, 2008, in violation of standard condition number seven.

3. Failing to report for urinalysis testing on April 25, 2008, and May 1, 2008, in violation of the special condition of drug aftercare

4. Failing to work regularly at a lawful occupation, unless excused by the probation officer, in violation of standard condition number five

Defendant was advised in full as to those charges and as to his constitutional rights

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred (Dkt. 155.)

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman

Pending a final determination by the Court, defendant has been detained.

DATED this 9th day of June, 2008.



Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Marsha J. Pechman
AUSA: Michael J. Lang
Defendant's attorney: Ralph Hurvitz
Probation officer: Jennifer J. Tien